

REMARKS

In the final office action in the parent case, the examiner had rejected claim 1 under 35 U.S.C. 112, second paragraph. Each of the items identified by the examiner as being unclear have been clarified in the present amended claim 1 and it is believed that the present amended claim 1 overcomes each of those rejections.

The examiner had also rejected all of the claims 1-7 and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Ginter et al, in view of Wiser et al. and further in view of Levine. In connection with claim 8, the examiner further cited the BMI reference.

The examiner is thanked for the very helpful telephone interview of September 27, 2005, at which time both the Ginter and Wiser references were discussed. Following such discussion, the examiner had made suggestions for amendments to claims 1 and 9, and such amendments have now been included. It is hoped that by these amendments, these claims are now patentable over the references and should the examiner have further questions or issues, it is respectfully requested that the examiner contact the attorney at the number listed below.

During the telephone interview, applicant's attorney pointed out that the present claimed invention provides the detection of the information in order to prepare the cue sheets at the receiving end or at the user end. Namely, the information that is detected, fed, stored, decoded and used to prepare the cue sheets are all done by a user receiving the publicly broadcast audio recording as one of a members of the audience, all of whom simultaneously receive the audio being broadcast.

It is that user, one of the receiving public audience members, that does of the operations on the signal received publicly including the feeding, storing and associating, decoding and importing and ultimately using the information to prepare the cue sheets. Neither Wiser nor Ginter provide any teaching that it is at the user end, namely one who receives the public broadcast, who performs these tasks to prepare the cue sheets. In both Ginter and Wiser, on the other hand, it is the sender of the information that is performing any detection or any acts upon the signals.

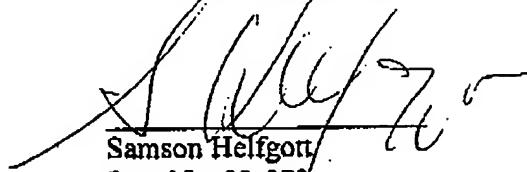
As recommended by the examiner, the claims have been limited to recite that it is that user, a member of the public, who receives the publicly broadcast signal, that performs the claimed tasks in order to prepare the cue sheets.

None of the references, taken alone or in combination, teach this concept of having the user, a member of the public audience who is receiving the information along with the public audience, that performs these tasks and prepares the cue sheets based upon that information received.

In view of the amendments, it is believed the application is in condition for allowance and such allowance is respectfully requested.

Any fee due with this paper may be charged to Deposit Account No. 50-1290

Respectfully submitted,



Samson Helfgott
Reg. No. 23-072

CUSTOMER NUMBER 026304
Telephone: (212) 940-8683
Fax: (212) 940-8986/8987
Docket No.: 3247/NJ (058201-00050)
SH:fd